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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/672,275   | 09/24/2003  | Vaclav Dusek         | 14358-00176         | 9374             |
| 33357  | 7590        | 12/01/2005           | EXAMINER            |                  |
| ADVANCED MEDICAL OPTICS, INC.<br>1700 E. ST. ANDREW PLACE<br>SANTA ANA, CA 92705 |             |                      | THAI, VANESSA K     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3731                |                  |

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/672,275

Applicant(s)

DUSEK ET AL.

Examiner

Vanessa K. Thai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/31/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The following is a first Office action on the merits of 10/672,275.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on October 31, 2003 is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Chambers ('791). Chambers discloses in Figure 1, a device for inserting, controllably releasing, and accurately positioning a folded intraocular lens into an eye comprising:

Regarding claim 1, a plunger rod assembly in communication with an inserter housing, said inserter housing adapted to house an intraocular lens (col. 3, lines 37 – 40); a first drive mechanism for providing contact between and causing lateral movement of said plunger rod assembly and said intraocular lens within said inserter housing (col. 3, lines 48 – 50); and a latch pin and a latch finger configured for engagement with said latch pin for preventing proximal lateral movement of said plunger rod assembly so that said intraocular lens may be accurately positioned within said eye (col. 6, lines 10 – 16).

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Regarding claim 2, wherein said plunger rod assembly further comprises a push rod (16) and a helical compression spring (24) in biasing relation to said push rod (col. 3, lines 58 – 61).

Regarding claim 3, wherein said plunger rod assembly further comprises a barrel (12) within which said push rod (16) is slideable, wherein said barrel (12) has a proximal part and said push rod (16) has a proximal part having a slide disc disposed thereon and said helical compression spring (24) is slideable along said rod (16) proximal part between said barrel (12) proximal part and said slide disc.

Regarding claim 4, further comprising a transversely projecting finger support (20) secured to said barrel (12).

Regarding claim 5, wherein said plunger rod assembly further comprises a knob (22) having external threads rotatably secured to said push rod (16) (col. 5, lines 61 – 63), wherein said barrel (12) comprises inwardly projecting pins and wherein said external threads cooperate with said inwardly projecting pins (col. 6, lines 10 – 12).

Regarding claim 6, wherein said plunger rod assembly further comprises a barrel (12) within which said push rod (16) is slideable, said barrel (12) further comprising a slot (14), and wherein said latch finger is carried on said barrel and centered over said slot and said latch pin is carried by said push rod (col. 6, lines 10 – 14).

Regarding claim 7, wherein said plunger rod assembly further comprises a knob (22) having external threads rotatably secured to said push rod (16) (col. 5, lines 61 – 63), wherein said barrel comprises inwardly projecting pins (col. 6, lines 11 – 2), and

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wherein said external threads cooperate with said inwardly projecting pins (col. 6, lines 10 – 11).

Regarding claim 8, wherein the axial extent of said external threads along said knob is limited and said external threads thereby cooperate with said inwardly projecting pins over a limited distance (col. 6, lines 25 – 30).

Regarding claim 9, wherein said latch finger comprises a ramp and a notched segment which is engageable with said latch pin (col. 6, lines 10 – 16).

Regarding claim 10, further comprising a cartridge housed within said inserter housing, said cartridge having a folded intraocular lens positioned therein (col. 3, lines 42 – 45).

Regarding claim 11, wherein said plunger rod assembly further comprises a barrel (12) within which said push rod (16) is slideable, wherein said barrel (12) has a distal portion, and wherein the device further comprises a cartridge having folded intraocular lens positioned therein (col. 3, lines 36 – 37), wherein said cartridge is fitted into said distal portion of said barrel (12) (col. 5, lines 39 – 40).

Regarding claim 12, wherein said barrel (12) has an interior bore and an exterior, and said distal portion of said barrel (12) has an axial slot (14) communicating between said interior bore and said exterior, and said bore allows said cartridge to be inserted downward into said bore of said barrel (12) (col. 5, lines 39 – 40).

Regarding claim 13, a barrel (12) having a proximal portion, a distal portion having an axial slot (14), and an interior bore; a push rod (16) having a proximal part and a slide disc disposed thereon, said push rod (16) slideable within said bore of said

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barrel (12); a helical compression spring (24) slideable along said proximal part of said rod (16) between said proximal part of said barrel (12) and said slide disc; a cartridge having a folded intraocular lens positioned therein (col. 3, lines 42 – 45), wherein said cartridge is fitted into said axial slot (14) on said distal portion of said barrel (12) (co. 5, lines 39 – 40); a first drive mechanism for providing contact between and causing lateral movement of said push rod (16) and said intraocular lens within said lens cartridge (col. 5, lines 39 – 41; col. 3, lines 37 – 40; lines 47 – 50); and a latch pin and a latch finger configured for engagement with said latch pin for preventing proximal lateral movement of said push rod (16) so that said intraocular lens may be accurately positioned within said eye (col. 6, lines 10 – 14).

Regarding claim 14, further comprising a transversely projecting finger support secured to said barrel (12) (col. 6, lines 11 – 12).

Regarding claim 15, wherein said push rod (16) further comprises a knob (22) having external threads rotatably secured to said proximal part of said push rod (16) (col. 5, lines 61 – 63), said barrel (12) comprises inwardly projecting pins (col. 6, lines 11 – 12), and wherein said external threads cooperate with said inwardly projecting pins (col. 6, lines 10 – 12).

Regarding claim 16, wherein the axial extent of said external threads along said knob (22) is limited and said external threads thereby cooperate with said inwardly projecting pins over a limited distance (col. 6, lines 25 – 30).

Regarding claim 17, wherein said latch finger is carried on said barrel and centered over said slot and said latch pin is carried by said push rod (col. 6, lines 10 – 14).

Regarding claim 18, wherein said latch finger comprises a ramp and a notched segment which is engageable with said latch pin (col. 6, lines 10 – 16).

Regarding claim 19, a method comprising providing an insertion device comprising a plunger rod assembly, an inserter housing, and a control knob assembly; providing a cartridge having a folded intraocular lens positioned therein; loading said cartridge into said inserter housing; actuating said control knob assembly to couple a distal end of said plunger rod assembly with said intraocular lens; inserting a distal end of said cartridge into said eye; applying force to said control knob assembly to move said intraocular lens through said cartridge and partially eject said intraocular lens from said cartridge; actuating a latch and pin mechanism of said plunger rod assembly and removing said force to said control knob assembly without causing movement of said plunger rod assembly; positioning said intraocular lens in said eye; applying a force to said control knob assembly to eject said intraocular lens into said eye; and removing said distal end of said cartridge from said eye (col. 2, lines 5 – 31; col. 5, lines 39 – 44; col. 6, lines 10 – 20;) .

Regarding claim 20, further comprising the step of biasing said plunger rod assembly against forward travel (col. 6, lines 39 – 45).

Regarding claim 21, further comprising releasing said latch and pin mechanism of said plunger rod assembly (col. 6, lines 10 – 38).

Regarding claim 22, a mechanism comprising a latch finger and a latch pin located on an inserter housing and a plunger rod assembly of said insertion device; wherein said latch finger and said latch pin are configured for releasable locking engagement to prevent involuntary retraction of said plunger rod assembly during use of said insertion device (col. 6, lines 10 – 20).

Regarding claim 23, a method comprising applying pressure on said insertion device to advance said intraocular lens through said insertion device; maintaining pressure on said insertion device until said intraocular lens projects from a distal end of said insertion device (col. 2, lines 18 – 24); advancing a plunger rod assembly of said insertion device so that a leading edge of a latch pin on said plunger rod assembly engages an angled tip of a latch finger on a housing of said device, thereby locking said insertion device to prevent retraction of said intraocular lens (col. 6, lines 10 – 16); releasing pressure on said insertion device (col. 4, lines 42 – 45); positioning said intraocular lens in a patient's eye (col. 2, lines 30 – 31); further advancing said plunger rod assembly so that said latch finger disengages from said latch pin, thereby unlocking said insertion device (col. 6, lines 10 – 38); and releasing said intraocular lens into said patient's eye (col. 4, lines 46 – 47).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanessa K. Thai whose telephone number is 571-272-5530. The examiner can normally be reached on M - F 8:00 am - 4:30 pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

vkt



  
**ANHTUAN T. NGUYEN**  
**SUPERVISORY PATENT EXAMINER**

11/25/05